

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF MASSACHUSETTS**

MARK SCHAND, et al.,

Plaintiffs,

v.

CITY OF SPRINGFIELD, et al.,

Defendants.

Case No. 3:15-cv-30148

The Honorable William G. Young

**DECLARATION OF JOSHUA D. WEEDMAN IN SUPPORT OF PLAINTIFFS’  
MOTION FOR RECONSIDERATION OF THE COURT’S MAY 6, 2019 ORDER  
REGARDING SUMMARY JUDGMENT OR, IN THE ALTERNATIVE, CERTIFYING  
THAT ORDER FOR INTERLOCUTORY APPEAL PURSUANT TO 28 U.S.C. § 1292**

I, Joshua D. Weedman, declare as follows:

1. I am an attorney in the law firm of White & Case LLP, counsel for Plaintiffs Mark Schand, Mia Schand, Mark Schand Jr., Kiele Schand, and Quinton Schand (collectively, Plaintiffs) in the above-captioned matter.

2. I submit this declaration in support of Plaintiffs’ Motion for Reconsideration of the Court’s May 6, 2019 Order Regarding Summary Judgment or, in the alternative, certifying that order pursuant to 28 U.S.C. § 1292 (“Motion”). This declaration is based upon my review of the records in this matter.

3. This declaration attaches true and correct copies of the exhibits that were submitted in connection with Plaintiffs’ Memorandum of Law in Opposition to Defendants’ Motions for Summary Judgment, Plaintiffs’ Counterstatement of Facts in Response to Defendants’ Rule 56.1 Statement, Plaintiffs’ Memorandum of Law in Opposition to Defendant McMahon’s Motion for Summary Judgment; and/or Plaintiffs’ Counterstatement of Facts in Response to Defendant

McMahon's Rule 56.1 Statement ("Plaintiffs' Summary Judgment Opposition Briefing"). [Dkt. 104, Dkt. 105, Dkt. 106, Dkt. 107, Dkt. 108]. These exhibits are being resubmitted here, under identical exhibit numbering as in the Plaintiffs' Summary Judgment Opposition Briefing, for the Court's convenience in connection with the pending Motion.

4. Attached hereto as Exhibit 1 is a true and correct copy of excerpts from the October 28, 2016 Deposition of Defendant Elmer McMahon.

5. Attached hereto as Exhibit 9 is a true and correct copy of excerpts from the November 28, 2016 Deposition of Defendant Leonard Scammons.

6. Attached hereto as Exhibit 21 is a true and correct copy of excerpts from the February 16, 2017 Deposition of Thomas Fitzgerald.

7. Attached hereto as Exhibit 22 is a true and correct copy of excerpts from the May 19, 2017 Deposition of Thomas Kennedy.

8. Attached hereto as Exhibit 29 is a true and correct copy of excerpts from the November 29, 2016 Deposition of Defendant Joseph Assad.

9. Attached hereto as Exhibit 30 is a true and correct copy of excerpts from the October 20, 2016 Deposition of Defendant Michael Reid.

10. Attached hereto as Exhibit 31 is a true and correct copy of excerpts from the October 21, 2016 Deposition of Defendant Raymond Muise.

11. Attached hereto as Exhibit 33 is a true and correct copy of excerpts from the June 7, 2017 Deposition of Donald Sicard.

12. Attached hereto as Exhibit 42 is a true and correct copy of excerpts from the April 13, 2017 Deposition of William Fitchet.

13. Attached hereto as Exhibit 43 is a true and correct copy of excerpts from the May 23, 2017 Deposition of Edward Keating.

14. Attached hereto as Exhibit 45 is a true and correct copy of the 1981 Rules and Regulations of the Police Department of the City of Springfield Massachusetts.

15. Attached hereto as Exhibit 46 is a true and correct copy of the June 26, 2017 Expert Report of Lou Reiter.

16. Attached hereto as Exhibit 52 is a true and correct copy of excerpts from the August 24, 2017 Deposition of Defense Expert William Powers.

17. Attached hereto as Exhibit 58 is a true and correct copy of the April 1993 Wasserman and Associates Report: "Policing Springfield: Building Capacity Developing Excellence."

I declare under penalty of perjury that the foregoing is true and correct.

Dated: May 21, 2019

**WHITE & CASE LLP**

New York, New York

By: /s/ Joshua D. Weedman  
Joshua D. Weedman

**CERTIFICATE OF SERVICE**

I, Joshua D. Weedman, Esq., herby certify that a correct copy of the forgoing Declaration of Joshua D. Weedman was filed electronically on May 21, 2019. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Joshua D. Weedman  
Joshua D. Weedman